

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L ABUJA 001190

SIPDIS

E.O. 12958: DECL: 07/06/2014

TAGS: [PREL](#) [PGOV](#) [PTER](#) [PHUM](#) [NI](#)

SUBJECT: BUHARI TRIBUNAL CONTINUES, THE END IN SIGHT

Classified By: AMBASSADOR JOHN CAMPBELL. REASONS 1.5 (B & D).

11. (C) SUMMARY: The 2003 Presidential tribunal continues sitting and the quality of government witnesses continues to provide amusement to the judges and the gallery. The testimony and the evidence presented is of questionable utility to the government's case but each one says that there were no problems in their area. Testimony could wrap up by the end of July, but a final decision after an appeal to the Supreme Court is not expected before October. While the case drags on, the opposition is losing steam but the Presidency is becoming more nervous. END SUMMARY.

12. (C) The tribunal hearing the case against the 2003 Presidential elections continues hearing the case, but the pace appears to be picking up. Since ANPP Presidential candidate Muhammadu Buhari's attorney, Mike Ahamba closed his case, President Obasanjo's attorney has finished his presentation. The final step is the INEC case and the judges are hearing about three witnesses per day. Sometimes the pace appears too fast, as yesterday when Ahamba received laughter from the court when, instead of admitting a document into evidence, he began his cross-examination before the other attorneys finished.

13. (C) The witnesses called by the government continue to provide amusement to those following the case. The witnesses for the ANPP told of killings, shootings, beatings and other malpractices which created a somber atmosphere. Government witnesses give upbeat testimony and contradict themselves to the amusement of the packed courtroom. One witness, obviously intoxicated, created mirth by stumbling while standing in the witness box and slurring his every word. Another witness, obviously frustrated with questions from the INEC attorney, finally blurted out, "just tell me what you want me to say!" Other witnesses for the government outline the shortcomings of the process and violations of procedure, such as police officials signing for party agents, and blithely say that they carried out their duties "on directives from headquarters (INEC)." In Edo state, for example, one government witness agreed that a group of military controlled the collation center and allowed no opposition party agents to witness. Each of them say that they were instructed to allow no party agents to certify the materials before distribution. One local government elections supervisor admitted that he had no knowledge of INEC's published guidelines before the election. Each says that elections took place in all polling stations and that no problems were encountered.

14. (C) The collation sheets that INEC claimed did not exist when subpoenaed by Buhari's legal team are now available in abundance. Each witness carries in the collation form for presentation during his testimony. (The witnesses are virtually all male.) Each form looks suspiciously identical: folded one time and placed neatly in an identical envelopes. None of the forms were signed by ANPP party agent. In some instances, forms from different states were certified by the same signatures. Most suspicious, however, is the quality of the red carbon forms. For documents handled since April of 2003 they are amazingly clean. (Anyone who has ever had a plane ticket would be immediately suspicious.) One of the most interesting witnesses was an INEC official from Ogun State. He arrived with a bundle of forms from various polling stations and proceeded to submit them into evidence. On cross-examination, however, he stumbled. Buhari's attorney presented him with collation sheets from several polling stations previously admitted into evidence. The old sheets, produced by INEC early in the trial, did not match the current ones INEC was presenting. The witness was at a loss to explain the discrepancy.

15. (C) COMMENT: It is likely that the case will be closed before the end of July. No one knows how long the tribunal might take to present its decision. In any event the decision will be appealed to the Supreme Court. It is unlikely that a final resolution to the case will come before October and possible that it won't be resolved until later. Buhari, present most days in court, remains sphinx-like although at times the testimony wins a smile from him. He appears tired of the process and anxious to move on. The Presidency, nervous about the outcome of the case (septel), continues making efforts to control the timing and direction of the decision through contacts with judges, witnesses and members of the legal team. END COMMENT.

